

**JUDGE LYNCH****CIVIL COVER SHEET**

JS 44C/SDNY  
REV. 1/97  
WEB 12/02

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**08 CV 5863**

**PLAINTIFFS**

Herbert Jackson and Cynthia Jackson

**DEFENDANTS**

Granley A. Walker and Adrinodack Transit Lines

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

Law Office of David B. Golomb  
230 Park Avenue, NY, NY 10169 (212)661-9000

**ATTORNEYS (IF KNOWN)**

Gallo Vitucci Klar Pinter & Cogan  
90 Broad Street, NY, NY 10004 (212)683-7100

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)**

Has this or a similar case been previously filed in SDNY at any time? No  Yes?  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_

**(PLACE AN [x] IN ONE BOX ONLY)****NATURE OF SUIT**

**D E C I V E**  
**JUN 30 2000**  
**U.S.D.C. S.D. N.Y.**  
**CASHIERS**

ACTIONS UNDER STATUTES

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE REAPPORTIONMENT
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 620 FOOD & DRUG	<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 388 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 881 21 USC 881	<input type="checkbox"/> 450 COMMERCE/ICC RATES/ETC
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 630 LIQUOR LAWS	<input type="checkbox"/> 440 DEPORTATION	
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 340 MARINE LIABILITY	<input type="checkbox"/> 640 RR & TRUCK INJURY PRODUCT LIABILITY	<input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
<input type="checkbox"/> 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 810 SELECTIVE SERVICE	
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH	<input type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE	
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 680 OTHER	<input type="checkbox"/> 875 CUSTOMER CHALLENGE	
<input type="checkbox"/> 180 OTHER CONTRACT	<input type="checkbox"/> 360 OTHER PERSONAL INJURY	<input type="checkbox"/> 820 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 12 USC 3410	
<input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY		<input type="checkbox"/> 830 LABOR/MGMT RELATIONS	<input type="checkbox"/> 891 AGRICULTURE ACTS	
		<input type="checkbox"/> 835 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 840 SSID TITLE XVI	
		<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 863 DIWC (405(g))	
		<input type="checkbox"/> 720 LABOR/MGMT REPORTING & DISCLOSURE ACT	<input type="checkbox"/> 863 DIWW (405(g))	
		<input type="checkbox"/> 730 LABOR/MGMT LITIGATION	<input type="checkbox"/> 864 RSI (405(g))	
		<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> 865 TAXES	
		<input type="checkbox"/> 790 OTHER LABOR LITIGATION	<input type="checkbox"/> 870 IRS-THIRD PARTY	
		<input type="checkbox"/> 791 EMPL RET INC SECURITY ACT	<input type="checkbox"/> 871 20 USC 7609	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	<input type="checkbox"/> 894 ENERGY ALLOCATION ACT
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT	
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 20 USC 2255	<input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION	
<input type="checkbox"/> 230 RENT LEASE & EJECTMENT	<input type="checkbox"/> 443 HOUSING ACCOMMODATIONS	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> UNDER EQUAL ACCESS TO JUSTICE	
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES	
<input type="checkbox"/> 246 TORT PRODUCT LIABILITY	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 890 OTHER STATUTORY ACTIONS	
<input type="checkbox"/> 290 ALL OTHER REAL PROPERTY		<input type="checkbox"/> 550 CIVIL RIGHTS		
		<input type="checkbox"/> 555 PRISON CONDITION		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE: \_\_\_\_\_

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

- |  |  |  |   |  |   |  |
|--|--|--|---|--|---|--|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
|--|--|--|---|--|---|--|

(PLACE AN X IN ONE BOX ONLY)

- |   |   |   |   |  |  |  |
|---|---|---|---|--|--|--|
| <input type="checkbox"/> 1 U.S. PLAINTIFF | <input type="checkbox"/> 2 U.S. DEFENDANT | <input type="checkbox"/> 3 FEDERAL QUESTION<br>(U.S. NOT A PARTY) | <input checked="" type="checkbox"/> 4 DIVERSITY | <b>IF DIVERSITY, INDICATE CITIZENSHIP BELOW.<br/>(28 USC 1332, 1441)</b> |  |  |
|---|---|---|---|--|--|--|

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [ ] 3	DEF [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	<input checked="" type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4	<input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))**

1598 41st Street, Pennsauken, NJ 08100

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))**

Grantly Walker  
 305 Hurley Avenue, Apt. 6G  
 Kingston, NY 12401

Adirondack Transit  
 499 Hurley Avenue  
 Hurley, NY 12443

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

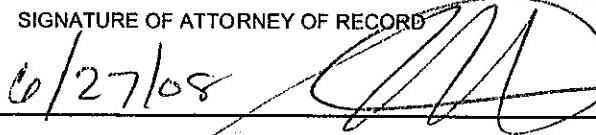
Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  FOLEY SQUARE  
 (DO NOT check either box if this a PRISONER PETITION.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #



[ ] NO  
 YES (DATE ADMITTED Mo. 10 Yr. 89)  
 Attorney Bar Code # (6446)

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge MAG. JUDGE GORENSTEIN is so Designated.

J. Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

JUDGE LYNCH

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

HERBERT JACKSON and CYNTHIA JACKSON,

08 CV 5863

Plaintiffs,

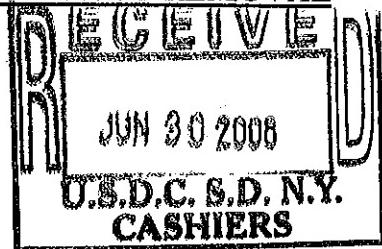
-against-

GRANTLEY A. WALKER and ADIRONDACK  
TRANSIT LINES,

Defendants.

-----X

NOTICE OF REMOVAL



TO: SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

**PLEASE TAKE NOTICE** that on June 27, 2008, defendants filed a Petition for Removal with the United States District Court, Southern District of New York.

Dated: New York, New York  
June 27, 2008

Respectfully submitted,

By:

MATTHEW J. VITUCCI (6446)  
*Attorneys for Defendants*  
GALLO VITUCCI KLAR PINTER & COGAN  
90 Broad Street, 3<sup>rd</sup> fl.  
New York, NY 10004  
(212) 683-7100  
LA-2008-21

TO: LAW OFFICE OF DAVID B. GOLOMB  
Attorneys for Plaintiffs  
230 Park Avenue, Suite 527  
New York, NY 10169  
(212) 661-9000

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

HERBERT JACKSON and CYNTHIA JACKSON,

Plaintiffs,

**PETITION FOR  
REMOVAL**

-against-

GRANTLEY A. WALKER and ADIRONDACK  
TRANSIT LINES,

Defendants.

-----X

TO: JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

The Petition of defendants respectfully shows, as follows:

1. The undersigned is the attorney for the defendants in the above-entitled action now pending in the Supreme Court of the State of New York, County of New York; that service of a Summons and Complaint was made upon defendants, Grantley A. Walker, a citizen of New York, and a New York corporation with a principal place of business in Hurley, New York, by service of a Summons and Complaint upon the Secretary of State of the State of New York on or about June 9, 2008.
2. That the causes of action as set forth in the Complaint seek money damages for personal injuries.

3. In their Complaint, plaintiffs seek to recover damages for personal injury resulting from the alleged negligence in the ownership, operation, management, maintenance and control of a certain vehicle that was involved in an accident that took place on or about August 19, 2005, within the Port Authority Bus Terminal located in New York, New York.

4. It is alleged that defendants were negligent in the ownership and operation of a certain vehicle identified as a bus bearing New York State license plate no. 55649-PA.

5. The plaintiffs reside at 1598 41<sup>st</sup> Street, Pennsauken, New Jersey 08100.

6. Defendant Adirondack Transit Lines, Inc. is a New York corporation with a principal place of business located in Hurley, New York. Defendant Grantley A. Walker resides in Kingston, New York.

7. That this action may be removed to this Court by the defendants pursuant to 28 U.S.C. Section 1441(c) since plaintiffs' action is a civil action where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs, and is between citizens of different states.

8. As the residence and situs of incorporation amongst the defendants and plaintiffs establish complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest, the defendants desire to remove this action from the Supreme Court of the State of New York County of New York, to the United States District Court for the Southern District of New York.

9. The defendants attach hereto a copy of all process and pleadings thus far served herein.

**WHEREFORE**, defendants pray that the action now pending against them in the Supreme Court of the State of New York, County of New York be removed therefrom to this Court.

Dated: New York, New York  
June 27, 2008

Respectfully,

  
MATTHEW J. VITUCCI (6446)  
*Attorneys for Defendants*  
GALLO VITUCCI KLAR PINTER & COGAN  
90 Broad Street, 3<sup>rd</sup> fl.  
New York, NY 10004  
(212) 683-7100  
LA-2008-21

TO: LAW OFFICE OF DAVID B. GOLOMB  
Attorneys for Plaintiffs  
230 Park Avenue, Suite 527  
New York, NY 10169  
(212) 661-9000

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORKHERBERT JACKSON and CYNTHIA  
JACKSON,Plaintiffs designate  
NEW YORK County  
as the place of trialPlaintiffs,  
-against-The basis of the venue  
is CPLR §503(c)GRANTLEY A. WALKER and ADIRONDACK  
TRANSIT LINES, INC.,**SUMMONS**

Defendants.

Plaintiff resides at:  
1598 41st Street  
Pennsauken, N.J.NEW YORK  
**COUNTY CLERKS OFFICE**

Index No.: X

To the above named Defendants:

108224/1008 JUN 12 2008

NOT COMPARED  
WITH COPY FILE

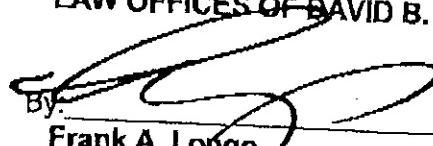
**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' Attorneys within **twenty (20)** days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York), and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, NY  
June 9, 2008

Yours, etc.,

**LAW OFFICES OF DAVID B. GOLOMB**

By:

  
Frank A. Longo  
Attorneys for Plaintiffs  
230 Park Avenue, Suite 527  
New York, NY 10169  
212-661-9000

**DEFENDANT'S ADDRESSES:**

GRANTLY A. WALKER  
305 Hurley Avenue, Apt. 6G  
Kingston, NY 12401-6835

ADIRONDACK TRANSIT LINES, INC.  
499 Hurley Avenue  
Hurley, NY 12443

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

HERBERT JACKSON and CYNTHIA JACKSON, X

Plaintiffs,

VERIFIED  
COMPLAINT

-against-

GRANTLY A. WALKER and ADIRONDACK  
TRANSIT LINES, INC.,

Index No.:

Defendants.

X

Plaintiffs, HERBERT JACKSON and CYNTHIA JACKSON, as and for their Verified Complaint, allege, by their attorneys, upon information and belief, as follows:

AS AND FOR A FIRST CAUSE OF ACTION NEW YORK  
COUNTY CLERK'S OFFICE

JUN 12 2008

NOT COMPARED  
WITH COPY FILE

1. Plaintiff, HERBERT JACKSON, is the lawfully wedded husband of Plaintiff CYNTHIA JACKSON.
2. At all times pertinent hereto, plaintiffs resided at 1598 41<sup>st</sup> Street, Pennsauken, NJ 08110.
3. Defendant, GRANTLY A. WALKER, resides at 305 Hurley Avenue, Apt. 6G, Kingston, NY 12401-6835.
4. Defendant, ADIRONDACK TRANSIT LINES, INC., is a domestic corporation, duly organized and existing under the laws of the State of New York.
5. Defendant, ADIRONDACK TRANSIT LINES, INC., is a domestic corporation, duly organized and existing under the laws of the State of New York, and a "common carrier" within the meaning of the laws of the State of New York.

6. Defendant, ADIRONDACK TRANSIT LINES, INC., is a domestic corporation, whose principal place of business is located at 499 Hurley Avenue, Hurley, NY 12443.
7. At all times material hereto, defendant GRANTLY A. WALKER was the agent, servant and/or employee of defendant ADIRONDACK TRANSIT LINES, INC.
8. At all times material hereto, defendant GRANTLY A. WALKER was a bus driver employed by and/or acting on behalf of defendant ADIRONDACK TRANSIT LINES, INC.
9. At all times material hereto, defendant GRANTLY A. WALKER was acting within the scope of his authority on behalf of defendant ADIRONDACK TRANSIT LINES, INC.
10. At all times material hereto, defendant ADIRONDACK TRANSIT LINES, INC. was operating its bus through its agent, servant and/or employee, defendant GRANTLY A. WALKER.
11. At all times material hereto, defendant ADIRONDACK TRANSIT LINES, INC. was vicariously liable for the acts and omissions of its agent, servant and/or employee, defendant GRANTLY A. WALKER.
12. On or about August 19, 2005, and at all times pertinent hereto, defendant, ADIRONDACK TRANSIT LINES, owned, leased, managed, maintained and/or controlled a 2003 MCI bus, bearing New York State license plate no. "55649-PA."
13. On or about August 19, 2005, plaintiff, HERBERT JACKSON, was lawfully on the premises of the Port Authority Bus Terminal.
14. On or about August 19, 2005, plaintiff, HERBERT JACKSON, was lawfully crossing an intersection within the Port Authority Bus Terminal.

15. On or about August 18, 2005, at the same time plaintiff, HERBERT JACKSON, was lawfully crossing an intersection within the Port Authority Bus Terminal, defendant GRANTLY A. WALKER was operating the aforementioned bus, bearing New York State license plate no. "55649-PA."

16. On or about August 19, 2005, at the same time plaintiff, HERBERT JACKSON, was lawfully crossing an intersection within the Port Authority Bus Terminal, defendant GRANTLY A. WALKER was operating the aforementioned bus, bearing New York State license plate no. "55649-PA," on behalf of defendant, ADIRONDACK TRANSIT LINES

17. On or about August 19, 2005, at the same time plaintiff, HERBERT JACKSON, was lawfully crossing an intersection within the Port Authority Bus Terminal, defendant GRANTLY A. WALKER, operating the aforementioned bus, bearing New York State license plate no. "55649-PA," when he failed to come to a stop at a stop sign.

18. On or about August 19, 2005, the aforementioned bus bearing New York State license plate no. "55649-PA," operated by defendant GRANTLY A. WALKER, came into contact with plaintiff, HERBERT JACKSON.

19. The contact between the aforementioned bus bearing New York State license plate no. "55649-PA," operated by defendant GRANTLY A. WALKER, and plaintiff, HERBERT JACKSON, occurred while plaintiff was a pedestrian.

20. The contact between the aforementioned bus bearing New York State license plate no. "55649-PA," operated by defendant GRANTLY A. WALKER, and plaintiff, HERBERT JACKSON, occurred while plaintiff was within the crosswalk of the intersection.

21. The aforesaid occurrence and the injuries to plaintiff, HERBERT JACKSON, resulting therefrom were due solely and wholly to the carelessness, negligence and wrongdoing of the defendants, GRANTLY A. WALKER and ADIRONDACK TRANSIT LINES, INC., through their agents, servants, partners and/or employees, in negligently and carelessly operating a motor vehicle; in negligently and carelessly failing to see what there was to be seen; in negligently and carelessly failing to keep a safe distance from pedestrians; in following other vehicles too closely; in failing to ascertain a safe and adequate distance from pedestrians; in failing to stop at a stop sign; in failing to bring the vehicle to a full stop; in failing to yield the right of way to a pedestrian; in negligently and carelessly failing to operate a motor vehicle properly and/or safely; in failing to exercise appropriate caution and safety under the prevailing traffic conditions; in negligently and carelessly failing to operate at a safe speed under the circumstances and conditions prevailing; in negligently and carelessly failing to keep a safe lookout; in negligently and carelessly disregarding the safety of others using the same roadway; in failing to sound a horn or provide other warning; in braking improperly and/or unsafely; in failing to brake sufficiently soon; in failing to brake sufficiently; in braking in a dangerous manner; in failing to properly maintain and/or inspect braking, steering, and/or other operating systems; in failing to provide the vehicle with safe tires; in failing to comply with the Vehicle and Traffic Law of the State of New York, including but not limited to §§1172(a) and 1151(a); in failing to comply with the rules and regulations of the City New York governing operation of motor vehicles; and in being otherwise careless and negligent.

22. In addition, defendant, ADIRONDACK TRANSIT LINES, INC., was also negligent in entrusting the operation of its bus to defendant, GRANTLY A. WALKER,

because of his insufficient training, insufficient qualifications and because of violations of rules and regulations governing hours of service.

23. As a result of the negligence, carelessness and wrongdoing complained of, plaintiff, HERBERT JACKSON, was seriously and permanently injured, was disabled, suffered permanent injuries, pain and mental anguish, conscious pain and suffering, loss of enjoyment of life, required medical care, incurred expenses thereof, and was permanently injured and disabled.

24. The aforementioned injuries and losses occurred solely and exclusively because of the negligence, carelessness and recklessness of the defendants, GRANTLY A. WALKER, and ADIRONDACK TRANSIT LINES, INC., their agents, servants, partners and/or employees.

25. The aforementioned occurrences and injuries occurred without any negligence or carelessness on the part of plaintiff, HERBERT JACKSON.

26. As a result of the negligence of Walker and Adirondack Plaintiff Herbert Jackson suffered serious, painful and permanent bodily injuries more particularly described hereinafter.

27. As a direct and proximate result of the aforementioned occurrence, plaintiff, HERBERT JACKSON, sustained injuries to his head, bones, tissues, nerves, muscles, including but not limited to traumatic brain injury, memory loss, cognitive deficits and depression; injuries to his cervical spine, bones, tissues, nerves, muscles, discs, including but not limited to protrusions/herniations at C4-5, C5-6, C6-7 with radiculopathy; injuries to his lumbar spine, bones, tissues, nerves, muscles, discs, including but not limited to L4-5 herniation with radiculopathy; at least 3 (three) epidural surgical procedures; injuries to his left shoulder, its bones, tissues, nerves, muscles,

discs, including but not limited to impingement syndrome and rotator cuff tearing resulting in three (3) surgical interventions; aggravation of preexisting asymptomatic arthritic conditions; together with shock and injury to his nerves and nervous system;

28. Upon information and belief, plaintiff's injuries are permanent in nature.
29. As a result of the accident aforementioned, plaintiff, HERBERT JACKSON, has undergone severe physical pain and suffering, mental anguish, humiliation, embarrassment and loss of enjoyment of life and will continue to endure same, all to his detriment and loss.
30. As a result of the accident aforementioned, plaintiff, HERBERT JACKSON has been unable to attend to his usual daily duties and occupations and will be unable to attend to same for an indefinite time into the future, all to plaintiff's great detriment and loss.
31. As a result of the accident aforementioned, the plaintiff, HERBERT JACKSON, has been and continues to be obligated to expend various sums of money and incur diverse expenses in and about an effort to cure himself of the ills and injuries which he has suffered and will be obliged to continue to expend same in the future.
32. As a further result of the accident aforementioned, plaintiff, HERBERT JACKSON has suffered a severe loss and impairment of his earnings and earning capacity and will continue to suffer such loss and impairment in the future.
33. As a result of the foregoing, plaintiff, HERBERT JACKSON, suffered serious injuries as defined in Insurance Law §5102(d).
34. As a result of the foregoing, plaintiff, HERBERT JACKSON, has sustained economic loss greater than basic economic loss, as defined in Insurance Law §5102(a).

35. Plaintiff, HERBERT JACKSON, was a covered person as defined by Insurance Law §6102.

36. The conduct complained of by the defendants, GRANTLY A. WALKER, and ADIRONDACK TRANSIT LINES, INC., their agents, servants, partners and/or employees, was willful, wanton, reckless and outrageous, and so violated all norms of decency and conduct as to warrant the imposition of punitive damages in an amount exceeding the jurisdiction of all lower courts which would otherwise have jurisdiction.

37. As a result of the foregoing, plaintiff, HERBERT JACKSON, was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have had jurisdiction over this action.

AS AND FOR A SECOND CAUSE OF ACTION

38. Plaintiff repeats, reiterates and realleges each of the prior applicable allegations, as if herein set forth in full.

39. As a result of the injuries to her husband, plaintiff CYNTHIA JACKSON has been obligated to expend various sums of money and incur diverse expenses in and about an effort to cure her husband of the ills and injuries which he has suffered and will be obliged to continue to expend same in the future.

40. As a result of the injuries to her husband, plaintiff CYNTHIA JACKSON has been obligated to expend monies for hiring help to perform the duties of the household previously performed by her husband.

41. As a result of the injuries to her husband, plaintiff CYNTHIA JACKSON has been and will continue to be deprived of her husband's aid, comfort, society, companionship, services and affection.

42. As a direct and proximate result of the injuries to her husband, plaintiff CYNTHIA JACKSON has suffered and/or continues to suffer from her husband's loss of earnings and/or earning capacity and/or in the future may suffer from his loss of earnings and/or earning capacity.

43. As a result of the foregoing, plaintiff, CYNTHIA JACKSON has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have had jurisdiction over this action.

44. The conduct complained of by the defendants, GRANTLY A. WALKER, and ADIRONDACK TRANSIT LINES, INC., their agents, servants, partners and/or employees, was willful, wanton, reckless and outrageous, and so violated all norms of decency and conduct as to warrant the imposition of punitive damages in an amount exceeding the jurisdiction of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiffs demand judgment against the defendants, jointly and severally, on the first cause of action and on the second cause of action, each in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and for punitive damages on the first cause of action and on the second cause of action, each in a sum which exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction, together with interest and the costs and disbursements of this action, and such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
June 9, 2008

Yours, etc.,

**LAW OFFICES OF DAVID B. GOLOMB**

By:

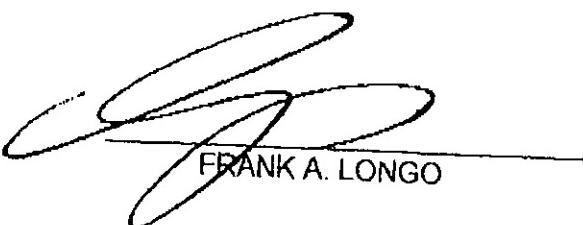
~~Frank A. Longo~~  
Attorneys for Plaintiffs  
230 Park Avenue, Suite 527  
New York, NY 10169  
212-661-9000

ATTORNEY'S VERIFICATION

FRANK A. LONGO, an attorney duly admitted to practice before the Courts of the State of New York, affirms under penalty of perjury as follows:

1. I am associated with the Law Offices of David B. Golomb, attorneys for plaintiffs herein.
2. I have read the foregoing SUMMONS AND COMPLAINT and I know the contents thereof.
3. That the same is true to affirmant's own knowledge except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, affirmant believes them to be true.
4. Affirmant further states that the reason this verification is made by affirmant and not by the plaintiffs is that the plaintiffs do not reside within the county wherein your affirmant maintains his office.
5. The grounds of affirmant's belief as to all matters not stated upon personal knowledge, are consultations had with the plaintiffs and investigation and data in affirmant's possession.

Dated: New York, NY  
June 9, 2008

  
FRANK A. LONGO

JUN. 24. 2008 2:50PM

Case 1:08-cv-05863-GEL Document 3 Filed 07/07/2008 Page 19 of 25

Index No.

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK****HERBERT JACKSON and CYNTHIA JACKSON,****Plaintiffs,****-against-****GRANTLEY A. WALKER and ADIRONDACK TRANSIT LINES, INC.,****Defendants.**

---

**SUMMONS AND VERIFIED COMPLAINT**

---

LAW OFFICES OF  
**DAVID B. GOLOMB**  
Attorneys for PLAINTIFFS  
230 Park Avenue Suite 527  
New York, NY 10169  
(212) 661-9000

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To

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Attorneys for

Sir: Please take notice

 **NOTICE OF ENTRY**that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named court on **NOTICE OF SETTLEMENT**

that an order

the HON.

of the within named court, at

on

19 at

M.

19

of which the within is a true copy will be presented for settlement to  
one of the judges

Dated,

To:

Attorneys for

Yours, etc.  
LAW OFFICES OF  
**DAVID B. GOLOMB**  
Attorneys for Plaintiffs  
230 Park Avenue-Suite 527  
New York, NY 10169  
(212) 661-9000

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HERBERT JACKSON and CYNTHIA JACKSON,

Plaintiffs,

**AFFIDAVIT**

-against-

GRANTLEY A. WALKER and ADIRONDACK  
TRANSIT LINES,

Defendants.

-----X  
STATE OF NEW YORK )  
                      )  
                      ) ss:  
COUNTY OF NEW YORK )

**MATTHEW J. VITUCCI**, being duly sworn, deposes and says:

1. I am a member of the law firm of Gallo Vitucci Klar Pinter & Cogan attorneys for defendants.
2. Defendants petition this Court for removal; leave will be sought to amend the caption in this action to read as follows:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HERBERT JACKSON and CYNTHIA JACKSON,  
Plaintiffs,

-against-

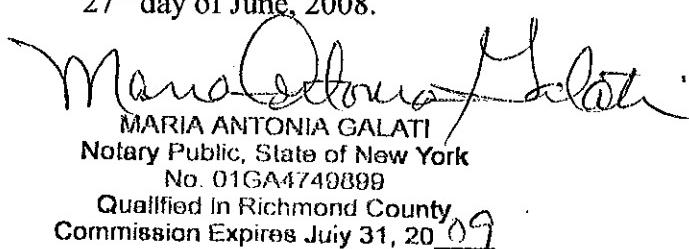
GRANTLEY A. WALKER and ADIRONDACK  
TRANSIT LINES,

Defendants.



**MATTHEW J. VITUCCI (6446)**

Sworn to before me this  
27<sup>th</sup> day of June, 2008.



MARIA ANTONIA GALATI  
Notary Public, State of New York  
No. 01GA4749899  
Qualified In Richmond County  
Commission Expires July 31, 2009

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HERBERT JACKSON and CYNTHIA JACKSON,

Plaintiffs,

**VERIFICATION**

-against-

GRANTLEY A. WALKER and ADIRONDACK  
TRANSIT LINES,

Defendants.

-----X

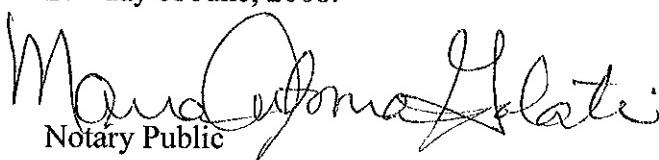
**MATTHEW J. VITUCCI**, being duly sworn according to law, deposes and says:

That he is one of the attorneys for the within named defendants/petitioners; that he has read the foregoing Petition for Removal; and that the statements contained therein are true in substance and to my knowledge.



MATTHEW J. VITUCCI (6446)

Sworn to before me this  
27<sup>th</sup> day of June, 2008.



Maria Antonia Galati  
Notary Public

MARIA ANTONIA GALATI  
Notary Public, State of New York  
No. 01GA4749899  
Qualified in Richmond County  
Commission Expires July 31, 2009

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

HERBERT JACKSON and CYNTHIA JACKSON,

Plaintiffs,

- against -

GRANTLEY A. WALKER AND ADIRONDACK TRANSIT LINES,

Defendants.

---

***NOTICE OF REMOVAL, PETITION FOR REMOVAL,  
AFFIDAVIT, VERIFICATION***

---

GALLO VITUCCI KLAR PINTER & COGAN

*Attorneys for Defendants*

90 Broad Street, 3<sup>rd</sup> Floor  
New York, New York 10004

Tel: (212) 683-7100

Fax: (212) 683-5555

File No.: LA-2008-21

JUDGE LYNCH

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HERBERT JACKSON and CYNTHIA JACKSON,

08 CV 5863

RULE 7.1

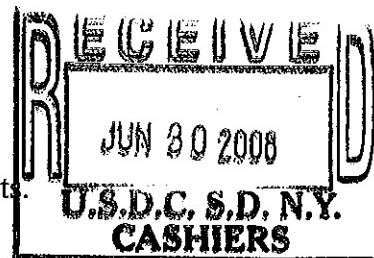
Plaintiffs,

-against-

GRANTLEY A. WALKER and ADIRONDACK  
TRANSIT LINES,

Defendants.

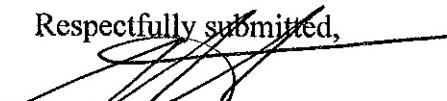
-----X



Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for defendants (a private non-government party) certifies the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held.

NONE

Dated: New York, New York  
June 27, 2008

Respectfully submitted,  
  
By:

MATTHEW J. VITUCCI (6446)

*Attorneys for Defendants*

GALLO VITUCCI KLAR PINTER & COGAN

90 Broad Street, 3<sup>rd</sup> fl.

New York, NY 10004

(212) 683-7100

LA-2008-21

TO: LAW OFFICE OF DAVID B. GOLOMB  
Attorneys for Plaintiffs  
230 Park Avenue, Suite 527  
New York, NY 10169

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

HERBERT JACKSON and CYNTHIA JACKSON,

Plaintiffs,

- against -

GRANTLEY A. WALKER AND ADIRONDACK TRANSIT LINES,

Defendants.

---

***RULE 7.1,***

---

GALLO VITUCCI KLAR PINTER & COGAN

*Attorneys for Defendants*

90 Broad Street, 3<sup>rd</sup> Floor

New York, New York 10004

Tel: (212) 683-7100

Fax: (212) 683-5555

File No.: LA-2008-21

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
                        ) ss.:  
COUNTY OF NEW YORK )

The undersigned being duly sworn, deposes and says that she is not a party to this action, is over the age of 18 years and resides in the County of New York. That on the 30<sup>th</sup> day of June, 2008, she served the within **NOTICE OF REMOVAL, PETITION OF REMOVAL AND RULE 7.1 STATEMENT** upon:

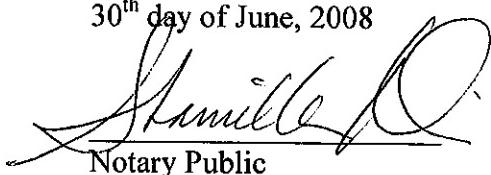
LAW OFFICE OF DAVID B. GOLOMB  
*Attorneys for Plaintiffs*  
230 Park Avenue, Suite 527  
New York, New York 10169

by depositing a true copy of same securely enclosed in a post paid wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.



Yvette Pagan

Sworn to before me this  
30<sup>th</sup> day of June, 2008



Shamilla Ali  
Notary Public

SHAMILLA ALI  
Notary Public - State of New York  
No. 01AL6095221  
Qualified in Richmond County  
My Commission Expires July 07, 2007  
2011